

Message Text

UNCLASSIFIED

PAGE 01 STATE 271487 TOSEC 200008

63

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UNCLAS STATE 271487 TOSEC 200008

E.O. 11652: N/A

TAGS: SOPN (KISSINGER, HENRY A.)

SUBJECT: BRIEFING BY WILLIAM HYLAND, DIRECTOR OF INR, TO
PRESS RE SUBPOENA OF STATE DEPARTMENT DOCUMENTS BY HOUSE
SELECT COMMITTEE ON INTELLIGENCE

FOLLOWING IS COMPLETE TEXT OF ON-THE-RECORD PRESS BRIEFING
BY WILLIAM HYLAND RE SUBPOENA BY HOUSE SELECT COMMITTEE ON
INTELLIGENCE OF STATE DEPARTMENT DOCUMENTS:

AMBASSADOR ANDERSON: "GOOD AFTERNOON. WILLIAM HYLAND, THE
DEPARTMENT'S DIRECTOR OF INTELLIGENCE AND RESEARCH BUREAU,
IS HERE TODAY TO BRIEF YOU ON THE HOUSE SELECT INTELLIGENCE
COMMITTEE'S SUBPOENA OF STATE DEPARTMENT DOCUMENTS; AND
THIS WILL BE ON THE RECORD. BILL WILL HAVE A FEW COMMENTS
TO MAKE AND GIVE YOU A CHRONOLOGY OF WHAT HAS TRANSPIRED
HERE, AND THEN HE'LL BE GLAD TO ANSWER ANY QUESTIONS."

MR. HYLAND: "THERE ARE SOME BASIC POINTS I WANT TO MAKE AT
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 271487 TOSEC 200008

THE OUTSET ABOUT THE CONFUSION THAT SEEMS TO BE SURROUNDING

THE QUESTION OF THE SUBPOENAS AND POSSIBLE CONTEMPT CITATIONS.

"FIRST OF ALL, WE CONSIDER IT UNBELIEVABLE THAT A COMMITTEE OF THE CONGRESS WOULD MOVE TOWARD THREE CITATIONS OF CONTEMPT AGAINST THE SECRETARY OF STATE ON THE VERY EVE OF AN IMPORTANT SUMMIT MEETING, TWO WEEKS BEFORE A PRESIDENTIAL VISIT TO CHINA, AND LESS THAN A MONTH BEFORE A MAJOR NATO MEETING.

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"THE SECOND POINT IS THAT A COMPLETELY ERRONEOUS IMPRESSION HAS BEEN CREATED THAT THE SECRETARY OF STATE HAS REFUSED TO COMPLY WITH THREE CONGRESSIONAL SUBPOENAS. THIS IS INCORRECT. THE SECRETARY OF STATE WAS NOT THE ADDRESSEE OF THE SUBPOENAS THAT WERE SENT TO THE NATIONAL SECURITY COUNCIL. THEY WERE ADDRESSED TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS. HENRY KISSINGER HAS NOT ACTED IN THIS CAPACITY SINCE NOVEMBER 3, WHEN THE PRESIDENT MADE HIS ANNOUNCEMENTS."

QUESTION: "IS THIS THE DIRECTOR -- I'M SORRY. I HAVE TO ASSOCIATE MYSELF WITH MY ELDERLY COLLEAGUE HERE. (LAUGHTER) IT MUST BE SATURDAY. YOU SAID IT WAS ADDRESSED TO THE ASSISTANT DIRECTOR?"

MR. HYLAND: "IT WAS ADDRESSED TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS."

QUESTION: "AND HE HASN'T BEEN -- "

HYLAND: "HE HAS NOT ACTED IN THIS CAPACITY SINCE NOVEMBER 3."

QUESTION: HAS THE POST BEEN VACANT? SCOWCROFT HASN'T BEEN MOVED INTO THE POST?"

HYLAND: "LET ME GO AHEAD AND COMPLETE WHAT I'M SAYING, OK?"

QUESTION: "OK."

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 271487 TOSEC 200008

HYLAND: "THE SUBPOENA TO THE SECRETARY OF STATE, ADDRESSED TO THE SECRETARY OF STATE -- HENRY A. KISSINGER -- OR HIS SUBORDINATE OFFICERS -- IS A SEPARATE QUESTION AND INVOLVES AN ENTIRELY DIFFERENT MATTER OF PRINCIPLE. THE DOCUMENTS REQUESTED UNDER THAT SUBPOENA THAT WERE TURNED UP IN THE FILES DO NOT INVOLVE THE PRESENT SECRETARY OF STATE OR PRESIDENT FORD. SO THERE IS NO QUESTION ON THIS SUBPOENA OF WITHHOLDING INFORMATION CONCERNING THE PRESENT

ADMINISTRATION.

"NOW, I WANT TO REVIEW THE CHRONOLOGY OF WHAT HAPPENED LEADING UP TO THE COMMITTEE'S ACTION OF YESTERDAY.

"FIRST OF ALL, ON THURSDAY, NOVEMBER 6, THE COMMITTEE ISSUED A SUBPOENA TO HENRY A. KISSINGER, SECRETARY OF STATE, OR ANY SUBORDINATE OFFICER, TO DELIVER BY TUESDAY, NOVEMBER 11, AT 10:00 O'CLOCK -- AND I NOW QUOTE FROM THE SUBPOENA -- "ALL DOCUMENTS RELATING TO STATE DEPARTMENT RECOMMENDING COVERT ACTION MADE TO THE NATIONAL SECURITY COUNCIL AND THE FORTY COMMITTEE AND ITS PREDECESSOR COMMITTEES FROM JANUARY 20, 1961, TO THE PRESENT.

"THIS WAS RECEIVED IN THE DEPARTMENT OF STATE ON FRIDAY MORNING, AND AN IMMEDIATE SEARCH WAS BEGUN OF THE FILES. BY MONDAY, WE HAD TURNED UP EIGHT INSTANCES THAT SEEMED TO US TO MEET THE CRITERIA OF THE SUBPOENA. IT WAS CLEAR FROM THE NATURE OF THE DOCUMENTS THEMSELVES THAT THE DECISION ON THEIR RELEASE COULD NOT BE MADE BY THE STATE DEPARTMENT BUT WOULD HAVE TO BE MADE IN THE WHITE HOUSE.

"THEREFORE, ON MONDAY, WE DELIVERED TO THE WHITE HOUSE THE DOCUMENTS IN QUESTION AND INFORMED THE STAFF DIRECTOR OF THE COMMITTEE THAT THE DECISION WOULD BE TAKEN ON RELEASE BY THE WHITE HOUSE.

"FROM THAT POINT FORWARD, THE ISSUE WAS THEN WITH THE WHITE HOUSE AND NO LONGER WITH THE DEPARTMENT OF STATE. THE SECRETARY OF STATE HAD NO DISCRETION OVER THE DISPOSITION OF THESE DOCUMENTS, ONCE THAT TRANSFER HAD BEEN MADE.

"SUBSEQUENTLY, TWO FURTHER DOCUMENTS WERE FOUND IN THE UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 271487 TOSEC 200008

FILES THAT SEEMED TO QUALIFY; AND THEY, TOO, WERE SENT OVER TO THE WHITE HOUSE.

"NOW, IT IS MY UNDERSTANDING THAT THAT WEEK -- THAT THIS PAST WEEK -- THE PRESIDENT OR HIS ADVISERS SOUGHT AN OPINION FROM THE JUSTICE DEPARTMENT ON POSSIBLE EXECUTIVE PRIVILEGE RUNNING TO THESE DOCUMENTS. AND, AS THE PRESIDENT SAID IN ATLANTA, HE WAS SO ADVISED THAT AN ASSERTION OF EXECUTIVE PRIVILEGE COULD BE MADE OVER THESE DOCUMENTS.

"ON THURSDAY, MR. BUCHEN -- WHO I THINK HAS THE TITLE OF COUNSEL TO THE PRESIDENT -- WROTE TO THE COMMITTEE ASKING FOR MORE TIME TO CONSIDER THIS SUBPOENA, SINCE THE ISSUES INVOLVED WERE EXTREMELY SERIOUS ONES. THE COMMITTEE, ON THURSDAY, REJECTED THIS REQUEST FOR MORE TIME."

QUESTION: "THURSDAY -- WHAT DAY WAS THAT?"

HYLAND: "THURSDAY WAS THE 13TH.

"THEREFORE, ON FRIDAY MORNING, THE PRESIDENT MADE A DECISION TO ASSERT EXECUTIVE PRIVILEGE, AND SECRETARY KISSINGER WAS INSTRUCTED TO INFORM THE COMMITTEE THAT THE DOCUMENTS COULD NOT BE DELIVERED BECAUSE OF THE ASSERTION OF EXECUTIVE PRIVILEGE. THIS TOOK THE FORM OF A LETTER TO THE COMMITTEE FROM THE ACTING LEGAL ADVISER; AND THAT LETTER, I THINK, HAS BEEN MADE PUBLIC.

"SIMULTANEOUSLY, THE SECRETARY RECEIVED A LETTER FROM MR. BUCHEN CONFIRMING THE PRESIDENT'S INSTRUCTIONS TO THE SECRETARY THAT HIS ASSERTION OF EXECUTIVE PRIVILEGE WOULD RUN TO THESE DOCUMENTS.

"SO THE POINT IS THAT IT WAS A WHITE HOUSE DECISION ON THE SUBPOENA TO THE SECRETARY OF STATE.

"THE OTHER TWO SUBPOENAS WHICH ARE NOW INVOLVED IN A POSSIBLE CONTEMPT CITATION WERE ADDRESSED TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, WERE NOT RECEIVED BY SECRETARY KISSINGER AND WERE NOT HANDLED BY SECRETARY KISSINGER. IT IS MY UNDERSTANDING THAT THE NSC
UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 271487 TOSEC 200008

STAFF HAS MADE A MAJOR EFFORT TO COMPLY WITH THESE TWO SUBPOENAS AND THAT THE POSSIBLE CONTEMPT CITATION REFLECTS THE COMMITTEE'S DISSATISFACTION WITH THE AMOUNT OR KIND OF DOCUMENTS THEY'VE RECEIVED."

QUESTION: "I'M SORRY. YOU'RE COVERING A LOT OF GROUND NOW."

HYLAND: "OK. DO YOU WANT ME TO GO OVER IT AGAIN?"

QUESTION: "ALRIGHT. YOU JUST PUT THE -- IN THE CHRONOLOGY, YOU PUT THAT IN THE THIRD CATEGORY -- THE CATEGORY WHEN HE WAS -- WHAT I'M TRYING TO SAY IS: HE WAS SECRETARY OF STATE IN THE PERIOD. THE FACT THAT YOU SHIFTED THE DECISION TO THE WHITE HOUSE DOESN'T REMOVE -- DOESN'T OBLITERATE THE FACT -- THAT THEY, INDEED, DO COVER A PERIOD WHEN HE WAS SECRETARY OF STATE AND THE SUBPOENA APPLIED TO, IN PART, STATE DEPARTMENT ACTIONS WHEN HE WAS SECRETARY OF STATE.

"SO I DON'T UNDERSTAND HOW YOUR -- I THINK THERE'S A HOLE IN YOUR POSITION. I DON'T WANT TO ARGUE THE CASE WITH

YOU."

HYLAND: "I CAN'T BELIEVE THAT." (LAUGHTER)

QUESTION: "LET ME PUT IT IN THE FORM OF A QUESTION THOUGH HOW CAN YOU SAY, BY REFERRING IT TO THE WHITE HOUSE, YOU WASH YOUR HANDS OF IT AS A STATE DEPARTMENT MATTER?"

HYLAND: I DIDN'T SAY IT WASHED ITS HANDS OF IT."

QUESTION: "WELL, I'M MAKING A SHORT -- "

HYLAND: "WELL, THE ULTIMATE LINE OF DECISION THEN BECAME THE WHITE HOUSE AND NOT THE DEPARTMENT OF STATE. THE SUB-POENA COVERED THE PERIOD FROM '61 TO THE PRESENT."

QUESTION: "THAT'S RIGHT."

HYLAND: "RIGHT. SO IT OBVIOUSLY COVERED THE PERIOD WHEN UNCLASSIFIED

UNCLASSIFIED

PAGE 06 STATE 271487 TOSEC 200008

KISSINGER WAS SECRETARY OF STATE."

QUESTION: "AND IT HAD COVERED STATE DEPARTMENT DOCUMENTS?"

HYLAND: "STATE DEPARTMENT DOCUMENTS. IN FACT, THE DOCUMENTS THAT WERE TURNED UP IN THE FILES HAPPENED TO BE IN A PERIOD WHEN HE WAS NOT SECRETARY OF STATE."

QUESTION: "ENTIRELY."

HYLAND: "ENTIRELY."

QUESTION: "OK, I SEE."

HYLAND: THEY RUN BACK TO THE EARLY SIXTIES THROUGH THE EARLY SEVENTIES.

"NOW, SINCE THESE DOCUMENTS ARE UNDER -- ARE BEING PROTECTED BY EXECUTIVE PRIVILEGE, OBVIOUSLY I CAN'T TELL YOU WHAT THE DOCUMENTS ARE."

QUESTION: "ALL RIGHT, BUT THEY'RE ALL BEFORE HIS BEING SECRETARY OF STATE."

HYLAND: "CORRECT. NONE OF THEM WERE AUTHORED BY THE PRESENT SECRETARY OF STATE, AND NONE OF THEM WERE TO THE PRESENT PRESIDENT."

QUESTION: "MR. HYLAND -- "

HYLAND: "YES."

QUESTION: "YOU'VE SAID THAT SECRETARY KISSINGER HAS NOT BEEN ACTIVE IN THE NSC ROLE SINCE NOVEMBER 3. WHO THEN IS THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS SINCE NOVEMBER 3? IN OTHERWORDS, HAS GENERAL SCOWCROFT TAKEN OFFICE?"

HYLAND: "WELL, SPEAKING ONLY PERSONALLY, I THINK THE OFFICE IS VACANT AT THE PRESENT TIME."

UNCLASSIFIED

UNCLASSIFIED

PAGE 07 STATE 271487 TOSEC 200008

Q: I UNDERSTAND THAT THE SECRETARY HADN'T RESIGNED AS OF LAST WEDNESDAY.

Q: THAT'S THE OTHER HALF OF THE QUESTION. HAS THE SECRETARY SENT A LETTER OF --

HYLAND: I DON'T THINK IT'S A MATTER OF A QUESTION OF RESIGNATION. THE PRESIDENT ANNOUNCED ON MONDAY NIGHT THAT THE TWO POSITIONS WERE BEING SEPARATED AND SECRETARY KISSINGER WAS NOT ACTING. HE ALSO ANNOUNCED MR. COLBY'S DEPARTURE, AND HE HAS REMAINED DIRECTOR OF CENTRAL INTELLIGENCE FOR SOME PERIOD. THE TWO CASES AREN'T PARALLEL.

Q: WE CALLED THE WHITE HOUSE NUMBER -- IF YOU CALLED THE WHITE HOUSE, AT LEAST AS OF A FEW DAYS AGO, AND ASKED FOR GENERAL SCOWCROFT YOU GOT A SECRETARY ANSWERING, "DR. KISSINGER'S OFFICE." AND I ASSUMED BY THAT THAT HE HAD NOT GIVEN UP THE OFFICE FORMALLY YET AT THAT POINT.

HYLAND: I THINK, RATHER THAN LET THESE QUESTIONS RUN FOREVER, OBVIOUSLY YOU'RE GOING TO HAVE TO GO TO THE WHITE HOUSE TO FIND OUT THE ANSWERS TO THESE TECHNICAL QUESTIONS OF WHETHER SCOWCROFT IS IN THIS OR THAT POSITION. WHAT I AM SAYING IS THAT SINCE NOVEMBER 3 HENRY A. KISSINGER HAS NOT BEEN ACTING IN THE CAPACITY OF ASSISTANT TO THE PRESIDENT, AND THAT'S TO WHOM THE SUBPOENA WAS DIRECTED, AND THAT'S THE PERSON, HENRY A. KISSINGER, THAT THE COMMITTEE IS CITING FOR POSSIBLE CONTEMPT, AND THAT IS A MISDIRECTION OF THE CITATION. IF ANYONE IS IN CONTEMPT ON THOSE TWO SUBPOENAS, IT IS NOT THE SECRETARY OF STATE.

Q: HAS THE STATE DEPARTMENT INFORMED THE COMMITTEE ON BEHALF OF SECRETARY KISSINGER OF THIS FACT?

HYLAND: SECRETARY KISSINGER NEVER RECEIVED THOSE SUBPOENAS. HE HAS NOT BEEN INVOLVED IN THOSE TWO SUBPOENAS. HE HAS BEEN INVOLVED IN THE SUBPOENA THAT WAS DIRECTED TO HIM, AND I HAVE THE SUBPOENAS, AND THEY ARE PUBLIC DOCUMENTS.

UNCLASSIFIED

UNCLASSIFIED

PAGE 08 STATE 271487 TOSEC 200008

Q: VERY WELL, BUT EVEN SO, THE SECRETARY HAS BECOME AWARE THAT HE HAS BEEN CITED BY A COMMITTEE VOTE, AND, HAVING BECOME AWARE OF IT, HAS THE STATE DEPARTMENT INFORMED THE COMMITTEE, FOR ITS INFORMATION, THAT IT IS TAGGING THE WRONG HORSE?

HYLAND: WE HAVE NOT MADE A FORMAL COMMUNICATION TO THE COMMITTEE. THAT FORMAL COMMUNICATION SHOULD COME FROM THE WHITE HOUSE.

Q: IS THIS GOING TO BE -- I WISH MR. ALDRICH WERE HERE -- IS THIS GOING TO BE THE LEGAL DEFENSE, THAT THE SUBPOENA REALLY WAS INTENDED FOR A PERSON INSTEAD OF AN OFFICE AND SINCE HE DIDN'T HOLD THE OFFICE IT'S A MISDIRECTED SUBPOENA?

HYLAND: NO, THAT'S PART OF IT, THAT'S ONLY ONE HALF OF IT.

Q: IT'S RATHER A NOVEL DOCTRINE.

HYLAND: NO, I'M NOT SAYING IT'S A LEGAL DOCTRINE. THE PART THAT WE'RE CONCERNED ABOUT AND THE SECRETARY OF STATE IS CONCERNED ABOUT BECAUSE OF THE IMPACT OVERSEAS IS THE IMPRESSION THAT HE, AS SECRETARY OF STATE, IS IN CONTEMPT OF THE CONGRESS ON THREE SUBPOENAS. HE'S NOT IN CONTEMPT OF THE CONGRESS ON ANY OF THE SUBPOENAS. ON ONE SUBPOENA THAT WAS DIRECTED TO HIM THERE IS AN ASSERTION OF EXECUTIVE PRIVILEGE. ON THE OTHER TWO SUBPOENAS FOR WHICH HE IS BEING CITED FOR CONTEMPT, HE IS NOT THE ADDRESSEE; SO THAT THE CITATION FOR CONTEMPT IS ERRONEOUS.

Q: THOSE TWO SUBPOENAS WERE ADDRESSED TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS AND NOT TO HENRY KISSINGER, ASSISTANT TO THE PRESIDENT?

HYLAND: THAT'S RIGHT, THAT'S ABSOLUTELY RIGHT, AND THE OTHER SUBPOENA IS DIRECTED TO HENRY A. KISSINGER, SECRETARY OF STATE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 09 STATE 271487 TOSEC 200008

Q: AND HIS NAME WAS NOT ON THE OTHER TWO SUBPOENAS?

HYLAND: THAT'S CORRECT. IT'S ASSISTANT TO THE
PRESIDENT FOR NATIONAL SECURITY AFFAIRS OR ANY
SUBORDINATE OFFICER, ETC.

Q: BY THE WAY, WE ARE GOING TO HAVE TO IDENTIFY -- WHAT
ARE YOU TODAY?

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HYLAND: I'M DIRECTOR OF THE BUREAU OF INTELLIGENCE AND
RESEARCH.

Q: WE CAN VERY WELL ADDRESS AN INQUIRY TO --

HYLAND: AND YOU UNDERSTAND MY INVOLVEMENT IN THIS IS
THAT MY BUREAU IS THE CUSTODIAN OF THE FORTY COMMITTEE AND
ITS PREDECESSOR COMMITTEES.

Q: BUT YOU DON'T HOLD THE NSC JOB THAT YOU WERE NAMED TO
JUST A FEW DAYS AGO?

HYLAND: I HAVE NOT BEEN NAMED TO ANY NSC JOB.

Q: WELL, WE CAN ADDRESS AN INQUIRY TO THE WHITE HOUSE,
AS YOU SUGGEST, ABOUT WHO INDEED IS THE ASSISTANT FOR
NATIONAL SECURITY, BUT WITH WHOM DO YOU AND THE STATE
DEPARTMENT DEAL, AND WITH WHOM HAVE YOU BEEN DEALING
SINCE NOVEMBER 3 ON THE ILLUSION THAT THAT PERSON IS THE
ASSISTANT FOR NATIONAL SECURITY OR THOUGHT TO BE?

HYLAND: THE DEPARTMENT AS A WHOLE HAS DEALT WITH BRENT
SCOWCROFT, BUT, OF COURSE, WE DON'T ASK HIM, "WHAT IS
YOUR TITLE TODAY?" HE IS DEPUTY ASSISTANT TO THE
PRESIDENT AND HAS BEEN FOR SOME YEARS.

Q: DO YOU HAVE AN IMPRESSION OF YOUR OWN AS TO WHETHER
HE HAS TAKEN ON THE POST VACATED BY DR. KISSINGER ON
NOVEMBER 3?

UNCLASSIFIED

UNCLASSIFIED

PAGE 10 STATE 271487 TOSEC 200008

HYLAND: I DON'T THINK I COULD ANSWER THAT. THIS IS --

Q: YOUR IMPRESSION.

Q: HAS HE CHAIRED ANY MEETINGS, INTERAGENCY MEETINGS, IN THE PAST WEEK OR TWO?

HYLAND: I THINK YOU BETTER ASK BRENT.

Q: HAS THE JUSTICE DEPARTMENT GOT INTO THIS ACT YET?

HYLAND: THE JUSTICE DEPARTMENT WAS INTO THE QUESTION OF WHETHER THE PRESIDENT COULD EXERT EXECUTIVE PRIVILEGE OVER THESE DOCUMENTS, THESE STATE DEPARTMENT DOCUMENTS. THE PRESIDENT ANNOUNCED HE WAS ADVISED BY THE ATTORNEY GENERAL THAT HE COULD DO SO, AND THE PRESIDENT ANNOUNCED, I BELIEVE LAST NIGHT IN ATLANTA, THAT HE DID SO RELUCTANTLY.

BUT THE ISSUE HERE THAT SEEMS TO BE LOST IS THAT THE EXECUTIVE PRIVILEGE IS PROTECTING DOCUMENTS, NOT FROM HENRY KISSINGER TO PRESIDENT FORD, BUT FROM PREVIOUS SECRETARIES OF STATE OR PREVIOUS SENIOR OFFICIALS OF THE DEPARTMENT OF STATE COMMUNICATING WITH THE FORTY COMMITTEE OR THE 303 COMMITTEE OR THE PRESIDENT.

Q: YOU DON'T INVOKE EXECUTIVE PRIVILEGE FOR THE NSC-DIRECTED DOCUMENTS?

HYLAND: THAT IS RIGHT. THOSE TWO ARE NOT COVERED BY THE ASSERTION OF EXECUTIVE PRIVILEGE. THE NSC POSITION AS I UNDERSTAND IT -- AND I HAVEN'T HANDLED THEIR DOCUMENTS -- IS THAT THEY HAVE COMPLIED. THE COMMITTEE CLAIMS THEY DIDN'T COMPLY WITH THE RIGHT DOCUMENTS AT THE RIGHT TIME. IT'S NOT A QUESTION OF WITHHOLDING THOSE DOCUMENTS; IT'S A QUESTION OF WHICH DOCUMENTS THE COMMITTEE WANTS AND GETTING THEM THERE, AND THE EXECUTIVE PRIVILEGE DOES NOT RUN TO THOSE TWO SUBPOENAS.

Q: SIR, YOU ARE EXPLAINING THIS MATTER TO US. WHO, AND IN WHAT MANNER, WILL IT BE EXPLAINED TO THE HOUSE
UNCLASSIFIED

UNCLASSIFIED

PAGE 11 STATE 271487 TOSEC 200008

COMMITTEE?

HYLAND: I AM NOT FAMILIAR WITH HOW THE HOUSE WOULD ACT ON THIS RESOLUTION.

Q: I MEAN HOW WILL THE STATE DEPARTMENT INFORM THE HOUSE COMMITTEE OF ITS VIEWS?

AMB. MC CLOSKEY: THAT ISSUE IS BEING DISCUSSED AT THE WHITE HOUSE THIS MORNING.

Q: I'M NOT SURE ALL THESE QUESTIONS SHOULD GO TO YOU, BUT TECHNICALLY HOW DOES GENERAL SCOWCROFT TAKE OVER HIS JOB? IF YOU WANT THIS STORY TO APPEAR WITH YOUR PRESENTATION, THERE'S A BIG GAPING HOLE IN IT, AND THAT IS HOW DOES THE NEW MAN TAKE OVER? I DON'T KNOW.

AMB. MC CLOSKEY: BUT IT'S NOT FOR OFFICIALS OF THE STATE DEPARTMENT TO ANSWER THAT. WE CAN'T ANSWER IT. WE ARE NOT WITHHOLDING ANSWERS.

Q: BUT MR HYLAND IS AN OFFICIAL OF THE STATE DEPARTMENT TODAY, BOB. HE IS SPEAKING FOR HOW DOES SECRETARY KISSINGER -- YOU KNOW, HE IS SPEAKING TO THE NSC SIDE OF THIS DEBATE.

HYLAND: WHAT I AM SPEAKING TO IS THE NARROW POINT THAT THE SUBPOENA WAS ADDRESSED TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS OR ANY SUBORDINATE OFFICER. NOW, OBVIOUSLY SUBORDINATE OFFICERS ARE STILL OVER THERE, THEY HAVE HANDLED THE SUBPOENAS, THEY'VE DELIVERED DOCUMENTS, ETC. THEN WHEN THE COMMITTEE MET TO SAY, "THIS IS UNSATISFACTORY AND WE'RE GOING TO CITE SOMEONE FOR CONTEMPT," THEY CITED HENRY A. KISSINGER. THIS IS MISDIRECTED; THIS IS WRONG.

Q: WHO SHOULD THEY CITE?

Q: IS THERE ANYBODY?

HYLAND: I CAN'T ADVISE THE COMMITTEE ON THEIR WAY OF DOING UNCLASSIFIED

UNCLASSIFIED

PAGE 12 STATE 271487 TOSEC 200008

BUSINESS.

AMB. MC CLOSKEY: OBVIOUSLY WE HAVE AN INTEREST HERE IN ASKING YOU TO COME TO THIS BRIEFING BECAUSE EVERY STORY IN THIS COUNTRY AND INTERNATIONALLY HAS THE SECRETARY OF STATE, HENRY A. KISSINGER, BEING CITED FOR CONTEMPT BY CONGRESS. THAT, TO US, IS A MATTER OF SOME SERIOUS CONCERN. OUR EFFORT WAS TO TRY TO DELINEATE THE DIFFERENCES BETWEEN THESE TWO SUBPOENAS AND TO ESTABLISH ONE FACT, THAT HENRY KISSINGER HAS NOT SERVED AS ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FROM NOVEMBER 3. IT IS NOT OUR OBLIGATION FOLLOWING FROM THAT TO WRITE THE SCRIPT AS TO THE DEFINITION OF WHO IS IN THE POSITION AND WHEN THE CHANGE OCCURRED AND TECHNICALLY AND LEGALLY HOW --

Q: OKAY, BOB, IS THERE ANY ACT OF DISVESTITURE BY

HENRY A. KISSINGER OF HIS NSC RESPONSIBILITIES, OR DID IT BECOME AUTOMATIC THE MOMENT THE PRESIDENT ANNOUNCED IT?

AMB. MC CLOSKEY: HIS POSITION IS THAT IT BECAME EFFECTIVE IN HIS CASE; THAT IS, LEAVING THE POSITION, AS THE PRESIDENT ANNOUNCED IT.

Q: MONDAY NIGHT?

AMB. MC CLOSKEY: NOVEMBER 3.

Q: ON THE ONE SUBPOENA WHERE HE IS NAMED, THE PRESIDENT HAS INVOKED EXECUTIVE PRIVILEGE?

HYLAND: INSTRUCTED THE SECRETARY.

Q: YES, BUT THE COMMITTEE STILL HAS ISSUED THAT ONE SUBPOENA?

HYLAND: THAT'S TRUE.

Q: RIGHT.

HYLAND: AND HAS MOVED FOR A CITATION OF CONTEMPT.
UNCLASSIFIED

UNCLASSIFIED

PAGE 13 STATE 271487 TOSEC 200008

Q: CITED FOR CONTEMPT, OKAY.

Q: ON THE EXECUTIVE PRIVILEGE, CAN YOU GIVE US ANY IDEA OF THE JUSTICE DEPARTMENT'S LEGAL REASONING BEHIND WHY IT WAS APPROPRIATE TO INVOKE EXECUTIVE PRIVILEGE IN THIS CASE?

HYLAND: I CAN'T GO INTO THE TECHNICALITIES, BUT I THINK THAT MY UNDERSTANDING AT THE TIME IS: THE JUSTICE DEPARTMENT EXAMINED THE DOCUMENTS AND, BY THE NATURE OF THE DOCUMENTS, CONCLUDED THAT, AS STATED IN THE LETTER FROM MR. BUCHEN, THIS INVOLVED -- LET ME SEE IF I CAN

FIND THE QUOTE -- WELL, THE GEORGE ALDRICH LETTER SAYS: "THESE CONSIST OF RECOMMENDATIONS FROM OFFICIALS IN THE STATE DEPARTMENT," AND SO FORTH, "TO THE PRESIDENT HIMSELF IN CONNECTION WITH CONSIDERATION BY ONE OF THOSE COMMITTEES."

I'M NOT SURE WHAT THEIR CONSTITUTIONAL OPINION IS, BUT IT WAS THE NATURE OF THE DOCUMENTS WHICH WERE RECOMMENDATIONS TO THE PRESIDENT OR TO HIS SENIOR ADVISERS FROM THE SECRETARY OF STATE OR HIS SENIOR ADVISERS REGARDING

COVERT ACTION.

Q: BILL, ON THAT SUBJECT, SINCE THE WHITE HOUSE MADE THE DECISION NOT TO PRODUCE THE DOCUMENTS REQUESTED IN THE NOVEMBER 6 SUBPOENA, WHY DID MR. BUCHEN NOT WRITE TO THE COMMITTEE DIRECTLY HIMSELF?

A: HE WAS NOT THE ADDRESSEE OF THE SUBPOENA. HENRY A. KISSINGER, SECRETARY OF STATE, WAS THE ADDRESSEE OF THE SUBPOENA, SO HENRY KISSINGER OR A SUBORDINATE OFFICIAL HAD TO MAKE A FORMAL RESPONSE. HE WAS INSTRUCTED WHAT THAT FORMAL RESPONSE WOULD BE, AND THAT WAS THE PROCEDURE. AND HE HAS -- WHICH IS IN THE PUBLIC DOMAIN -- A LETTER FROM THE PRESIDENT'S COUNSEL SAYING, YOU

ARE HEREBY INSTRUCTED.

UNCLASSIFIED

UNCLASSIFIED

PAGE 14 STATE 271487 TOSEC 200008

Q: YOU'RE SAYING IT WOULD NOT HAVE BEEN APPROPRIATE ACCORDING TO PROTOCOL AND PROCEDURE FOR MR. BUCHEN OR SOMEBODY AT THE WHITE HOUSE TO RESPOND DIRECTLY TO THE COMMITTEE?

HYLAND: I'M NOT SURE OF THE LEGAL --

AMB. MC CLOSKEY: THE LEGAL ADVISER OF THE STATE DEPARTMENT REPLIED DIRECTLY TO THE COMMITTEE ON BEHALF OF THE SECRETARY OF STATE, WHO WAS THE ADDRESSEE OF THE SUBPOENA.

Q: WHY DID THEY WAIT SO LONG? THE SUBPOENAS WERE ISSUED ON THE 6TH OF NOVEMBER, RETURNABLE BY NOVEMBER 11, AND BUCHEN'S LETTER DIDN'T GO UNTIL THURSDAY, AND THE LETTER FROM ALDRICH DIDN'T GO UNTIL FRIDAY MORNING. WHY - WHEN EVERYBODY SEEMS TO HAVE KNOWN THAT SECRETARY KISSINGER WAS NO LONGER IN THE NSC POST SINCE NOVEMBER 3?

HYLAND: NOW YOU'RE CONFUSING THE SUBPOENAS. THE SUBPOENAS TO THE NSC WERE COMPLIED WITH BY THE DELIVERY OF DOCUMENTS ON TUESDAY AND WEDNESDAY.

QUESTION: "ALL RIGHT, JUST THE ONE, THEN?"

HYLAND: "ALL RIGHT.

"THE ONE SUBPOENA THAT WAS NOT COMPLIED WITH TO THE SECRETARY OF STATE -- AND THE REASON IS THAT THE DECISION POINT HAD BEEN TRANSFERRED TO THE WHITE HOUSE. NOW WHY THE WHITE HOUSE WAITED UNTIL FRIDAY -- I THINK IT IS EVIDENT

IN THE LETTER FROM BUCHEN THAT THIS WAS A VERY SERIOUS ISSUE. THE PRESIDENT OBVIOUSLY WANTED THE ADVICE OF THE JUSTICE DEPARTMENT AND HE HAD -- THIS IS MY VIEW -- THAT HE HAD TO WEIGHT RATHER SERIOUSLY THE CONSTITUTIONAL IMPLICATIONS OF INVOKING EXECUTIVE PRIVILEGE OVER DOCUMENTS WHICH DID NOT CONCERN HIM DIRECTLY, WHICH DID NOT CONCERN THE PRESENT SECRETARY OF STATE, BUT CONCERNED PRESIDENT JOHNSON AND PRESIDENT KENNEDY AND SO FORTH."

QUESTION: "BUT THE SECRETARY GOT THE SUBPOENA, OR NOTIFICATION OF IT, ON NOVEMBER 6 -- ABOUT ONLY ONE DOCUMENT."

UNCLASSIFIED

PAGE 15 STATE 271487 TOSEC 200008

CATION OF IT, ON NOVEMBER 6 -- ABOUT ONLY ONE DOCUMENT."

HYLAND: "IN FACT, HE GOT IT ON THE 7TH."

QUESTION: "ALL RIGHT. ON THE 7TH. WOULDN'T IT HAVE BEEN A NORMAL THING, JUST TO GET IN TOUCH WITH THE COMMITTEE AND SAY, 'YOU HAVE SENT THIS TO THE WRONG PERSON'?"

HYLAND: "WE DID. I SENT A LETTER TO THE STAFF DIRECTOR, ON MONDAY, SAYING THAT WE HAVE SEARCHED THE FILES. WE HAVE TURNED UP SOME DOCUMENTS. THOSE DOCUMENTS BY THEIR NATURE MUST BE SENT TO THE WHITE HOUSE FOR A DECISION. I, IN FACT, CALLED -- "

QUESTION: "DID YOU ALSO SAY THAT SECRETARY KISSINGER, SINCE NOVEMBER 3, HAS NO LONGER HELD THIS POST?"

HYLAND: "NO. BECAUSE THAT WAS IRRELEVANT TO WHAT I WAS WORKING ON, WHICH WAS THE SUBPOENA TO THE STATE DEPARTMENT. THE NSC SUBPOENAS WERE A DIFFERENT MATTER. THAT IS THE ONE POINT THAT WE ARE TRYING TO GET THROUGH, IS THE THREE POSSIBLE CONTEMPT CITATIONS -- ONLY ONE INVOLVES THE SECRETARY OF STATE.

"BUT THE IMPRESSION, ALL OVER THE WORLD, I SUPPOSE NOW, IS THAT THE SECRETARY OF STATE IS IN POSSIBLE CONTEMPT ON 'THREE' ISSUES -- AND THIS IS JUST NOT THE CASE."

QUESTION: "ONLY ON ONE. RIGHT?"

HYLAND: "AND HE IS NOT IN CONTEMPT YET ON THAT ONE, AND THAT ONE IS A CONSTITUTIONAL LEGAL QUESTION OF WHETHER THE EXECUTIVE PRIVILEGE IS A LEGITIMATE ANSWER TO THE SUBPOENA."

QUESTION: "ALL RIGHT. IS YOUR POSITION, THEN, THAT THESE TWO SUBPOENAS, SPECIFYING THAT -- GOING TO THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

OR ANY SUBORDINATE OFFICER -- THAT REALLY, THEY SHOULD BE
SUBPOENAING SCOWCROFT? HE IS THE SUBORDINATE OFFICER
UNDER KISSINGER. WAS -- AND NOW HAS BEEN NAMED TO THIS
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PAGE 16 STATE 271487 TOSEC 200008

OFFICE. ISN'T THAT RIGHT?"

HYLAND: "NOT NECESSARILY. 'ANY SUBORDINATE OFFICIAL'
CAN BE ANYONE ON THE NSC WHO HAPPENS TO HAVE CUSTODY
OF THE DOCUMENTS.

"BUT I KEEP COMING BACK TO THE POINT THAT THE CONTEMPT
CITATION IS MISDIRECTED. BECAUSE THE SUBPOENA WAS NOT--"

QUESTION: "BUT YOU SAY THAT HE -- "

HYLAND: " -- WAS NOT DELIVERED TO HENRY A. KISSINGER."

QUESTION: "MAY I ASK YOU ABOUT THE PIKE COMMITTEE -- THE
LOGIC BEHIND IT IS NOT JUST THAT THEY HAD FRUSTRATION IN
GETTING TO THE SPECIFIC DOCUMENTS, BUT THEY HAD FRUSTA-
TION IN GETTING TO LOTS OF DOCUMENTS -- BUT THERE WAS A
SECOND MOTIVATION BEHIND THE SUBPOENA, AS I UNDERSTAND IT
-- OR BEHIND THE CONTEMPT CITATION -- AND THAT WAS THE
GROWING FEELING AMONG SOME OF THE MEMBERS OF THE COMMITTEE
THAT THINGS THAT THE CIA HAD BEEN BLAMED FOR -- THE RE-
SPONSIBILITY ACTUALLY SHOULD HAVE GONE TO THE OFFICIALS
-- SECRETARIES OF STATE AND PRESIDENTS -- INSTEAD OF TO
THE CIA.

"NOW WHY IS THE STATE DEPARTMENT HESITANT ABOUT SHARING
WITH THE COMMITTEE INFORMATION WHICH COULD AT LEAST AN-
SWER THE QUESTION OF WHETHER POLICY MAKERS INDEED SHOULD
BE BLAMED, OR HAVE THE RESPONSIBILITY FOR THINGS THAT THE
CIA HAS BEEN BLAMED FOR?"

HYLAND: "LET ME MAKE TWO POINTS ABOUT THE COMMITTEE:

"FIRST OF ALL, ON NOVEMBER 6, WITHOUT DISCUSSION OR WARN-
INGTHOR ENY TATEMPT TO WE TO PRODUCE CERTAIN DOCUMENTS.
TO THE SECRETARY OF STATE TO PRODUCE CERTAIN DOCUMENTS.

"FROM THAT POINT ONWARD, IT BECAME A LEGAL QUESTION OF
COMPLYING WITH THE SUBPOENA.

"HAD THE COMMITTEE STAFF, OR MEMBERS OF THE COMMITTEE, AS
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UNCLASSIFIED

PAGE 17 STATE 271487 TOSEC 200008

IS THE CASE WITH MOST COMMITTEES, MADE A REQUEST FOR CERTAIN TYPES OF INFORMATION, IT IS POSSIBLE THAT WE MIGHT HAVE BEEN ABLE TO SATISFY THEIR DEMANDS -- AT LEAST IN THE EXTENT THAT THEY WANTED NUMBERS AND DATES AND SO FORTH.

"HOWEVER, SINCE THEY PUT IT IN THE FORM OF A SUBPOENA WE HAD TO RESPOND IN A LEGAL FASHION.

"THE SECOND POINT IS THAT WE ARE NOT DENYING THE COMMITTEE INFORMATION, OR WITHHOLDING IT. THAT IS NOT WHAT IS AT ISSUE.

"WHAT IS AT ISSUE IS A PRINCIPLE -- THE PRINCIPLE WHICH HAS BEEN ADDRESSED IN THE LETTER TO THE SECRETARY OF STATE FROM MR. BUCHEN, WHICH SAYS: 'THE PRESIDENT'S REASON FOR MAKING THIS DETERMINATION IS THAT IT WOULD BE CONTRARY TO THE PUBLIC INTEREST AND INCOMPATIBLE WITH THE SOUND FUNCTIONING OF THE EXECUTIVE BRANCH TO PRODUCE THE DOCUMENTS REQUESTED.'

"HE GOES ON TO SAY: '... THE POINT HAS BEEN REACHED AT WHICH THE PRESIDENT'S DESIRE FOR COOPERATION WITH THE COMMITTEE MUST BE LIMITED BY HIS RESPONSIBILITIES, NOT ONLY TO PROTECT THE MILITARY AND FOREIGN AFFAIRS SECRETS OF THE UNITED STATES, BUT ALSO TO PRESERVE THE INTEGRITY OF THE CONSULTATIVE PROCESS INVOLVING ADVICE AND RECOMMENDATIONS TO THE PRESIDENT.' AND IT IS THAT LAST POINT WHICH IS THE PRINCIPLE THAT IS AT ISSUE IN THE INVOCATION OF EXECUTIVE PRIVILEGE -- I.E., THE CONSULTATIVE PROCESS OF GIVING ADVICE AND RECOMMENDATIONS TO THE PRESIDENT OF THE UNITED STATES."

QUESTION: "IF I CAN JUST FOLLOW UP. IF I UNDERSTAND YOUR ANSWER CORRECTLY, AND THE FACT THAT YOU REFERRED ME TO THE BUCHEN LETTER IN TERMS OF MY QUESTION ABOUT THE RESPONSIBILITY OF POLICY MAKERS, THEN IS IT AN ACCURATE ASSUMPTION THAT THE STATE DEPARTMENT'S POLICY, THE ADMINISTRATION'S POLICY, IS THAT IT WILL NOT COOPERATE WITH THE COMMITTEE -- "

HYLAND: "OF COURSE NOT."
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PAGE 18 STATE 271487 TOSEC 200008

QUESTION: "-- IN THE EFFORT OF THE COMMITTEE TO FIND OUT WHAT POLICY MAKERS DID REGARDING CIA ACTIVITIES?"

HYLAND: "OF COURSE NOT. NO."

QUESTION: "THEN WOULD YOU -- "

HYLAND: "OF COURSE WE WILL TRY AND COOPERATE."

QUESTION: "HOW FAR WILL YOU GO?"

HYLAND: "THAT DEPENDS ON THE ISSUES THAT ARE RAISED AND THE KINDS OF DOCUMENTS THAT ARE INVOLVED.

"THESE SPECIFIC DOCUMENTS TURN OUT TO BE RECOMMENDATIONS TO THE PRESIDENT, OR TO AN NSC COMMITTEE. THE PRESIDENT OF THE UNITED STATES HAS DECIDED THAT THEY FALL UNDER EXECUTIVE PRIVILEGE.

"NOW OBVIOUSLY THE STATE DEPARTMENT IS GOING TO ABIDE BY THAT.

"ON OTHER ISSUES, ON OTHER DOCUMENTS WE HAVE DELIVERED A CONSIDERABLE AMOUNT OF MATERIAL TO BOTH OF THESE COMMITTEES. IN FACT, A MASSIVE AMOUNT OF MATERIAL HAS GONE TO THESE COMMITTEES."

QUESTION: "MR. HYLAND, IN REGARD TO THE TWO SUBPOENAS INVOLVING THE NSC -- BOTH YOU AND MR. MCCLOSKEY HAVE STATED AS A FACT HERE THAT SECRETARY OF STATE KISSINGER WAS NOT SUBPOENAED BECAUSE HE WAS NOT THE PROPER ADDRESSEE.

"ISN'T THE ACTUAL FACT OF THE SITUATION THAT THIS IS ONLY YOUR CONTENTION IN WHAT IS A DISPUTED MATTER OF LAW? OR A 'DISPUTED AND UNRESOLVED' MATTER OF LAW?"

HYLAND: "I DON'T THINK I CAN COMMENT ON WHETHER IT IS A MATTER OF LAW.

"WHAT WE ARE TRYING TO GET THROUGH IS NOT JUST TO WHOM UNCLASSIFIED

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PAGE 19 STATE 271487 TOSEC 200008

THE SUBPOENA IS DIRECTED, BUT THAT THE COMMITTEE FOUND 'HENRY A. KISSINGER' IN POSSIBLE CONTEMPT -- WAS A MISDIRECTED CITATION BECAUSE HENRY A. KISSINGER DID NOT RECEIVED THOSE TWO SUBPOENAS. HE WAS NOT THE ADDRESSEE."

QUESTION: "MR. HYLAND, YOUR PRINCIPLE CONCERN -- THE REASON YOU ARE HERE SEEMS TO BE THE IMPACT OVERSEAS."

HYLAND: "YES."

QUESTION: "THIS IS SOMETHING YOU SHOULD BE ABLE TO SPEAK TO VERY DIRECTLY. SO CAN YOU TELL US, IN THE PAST FEW

DAYS HAVE YOU ANY EVIDENCE THAT THIS IS CAUSING ANY DISTURBANCES -- ANY QUESTIONING OF OUR FOREIGN POLICY? ARE THE RUSSIANS ALL EXCITED? CAN YOU GIVE US SOME -- OBVIOUSLY YOU ARE MAKING THE ARGUMENT: 'THIS IS BAD FOR THE FOREIGN POLICY OF THE UNITED STATES.'

CAN YOU GIVE US ANYTHING TO FLESH OUT THAT POSITION?"

HYLAND: "I, PERSONALLY, DON'T HAVE ANY SPECIFIC EVIDENCE THIS MORNING OF THAT. I FAIL TO SEE HOW IT CANNOT HAVE AN IMPACT WHEN A HEADLINE SAYS: 'SECRETARY OF STATE CITED FOR CONTEMPT.'"

QUESTION: "WELL, EVEN -- "

HYLAND: "WHAT ARE OTHER COUNTRIES GOING TO THINK THIS MEANS? THEY ARE NOT GOING TO UNDERSTAND SOME OF THE TECHNICALITIES WE HAVE BEEN DISCUSSING TODAY. IT IS GOING TO HAVE JUST AN IMPACT THAT 'THERE MUST BE SOME NEW CONFRONTATION WITH THE CONGRESS OVER WITHHOLDING OF DOCUMENTS,' AND THAT IS NOT REALLY WHAT IS AT ISSUE."

QUESTION: "BUT EVEN ASSUMING THAT YOU ARE CORRECT, THAT IT WAS MISDIRECTED -- THE COMMITTEE HAS, INDEED, ACTED AND IT HAS ACTED IN NAMING AN INDIVIDUAL, TO WIT, HENRY A. KISSINGER.

"IN WHAT WAY IS IT POSSIBLE TO REVERSE THAT COMMITTEE ACTION? DOESN'T IT NOW HAVE TO GO TO THE FLOOR OF THE UNCLASSIFIED

UNCLASSIFIED

PAGE 20 STATE 271487 TOSEC 200008

HOUSE IN THE FULLNESS OF TIME?"

HYLAND: "I DON'T KNOW THE PARLIAMENTARY PROCEDURES. ONE WAY WE WOULD LIKE TO AT LEAST CORRECT THE RECORD AND TO GET ON THE RECORD IS A BETTER APPRECIATION OF WHAT THE ACTUAL SITUATION IS."

QUESTION: "IS THE STATE DEPARTMENT ASKING THE COMMITTEE TO RECONSIDER, OR TO TAKE ANOTHER VOTE ON THIS CONTEMPT CITATION?"

HYLAND: "NO DECISION HAS BEEN MADE ON ANYTHING LIKE THAT."

QUESTION: "DO YOU THINK THIS HAS BEEN A POLITICAL OR PERSONAL VENDETTA BY THE COMMITTEE AGAINST SECRETARY KISSINGER?"

HYLAND: "I DON'T THINK IT IS A 'VENDETTA.'"

QUESTION: "IT HAS BEEN ALLEGED THAT THEY HAVE 'HAD IT IN' FOR KISSINGER -- THAT IT WAS JUST DONE IN A SORT OF PIQUE."

AMB. MCCLOSKEY: "WELL, I THINK THAT IS A DIFFICULT QUESTION TO ASK US TO ANSWER, AND I DON'T THINK THAT WE WOULD WANT TO MAKE ASSUMPTIONS ABOUT COMMITTEE BEHAVIOR, OR MOTIVES, THAT WE CAN'T DOCUMENT.

"I THINK IT IS FAIR TO SAY THAT IT WOULD BE QUESTIONABLE AS TO WHETHER IT IS AN HONEST REFLECTION OF THE PUBLIC INTEREST THAT A SECRETARY OF STATE SHOULD BE CITED BY THE COMMITTEE FOR CONTEMPT OF CONGRESS."

QUESTION: "COULD I MAKE A SUGGESTION: THAT IF YOU WANT TO TELL THE STORY TO THE COUNTRY -- AND YOU REFUSE TO GO ON CAMERA, FOR EXAMPLE -- IT IS GOING TO BE VERY DIFFICULT. AND IF YOU COULD PREPARE SOME SORT OF A STATEMENT AND GET SOME CAMERAS UP HERE TO CLARIFY THIS, I WOULD APPRECIATE IT. IT WOULD SAVE ME TRYING TO -- "

AMB. MCCLOSKEY: "TO?"

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UNCLASSIFIED

PAGE 21 STATE 271487 TOSEC 200008

QUESTION: "TO -- WELL, TO SAVE ME TRYING TO DO A JOB WHICH I THINK YOU SHOULD DO."

MCCLOSKEY: "I THINK OUR PURPOSE WAS TO TRY AND STRAIGHTEN OUT SOME OF THE CONFUSION ABOUT 'THREE SUBPOENAS' -- TO WHOM THEY WERE ADDRESSED -- THREE CONTEMPT CITATIONS, TO WHOM THEY WERE ADDRESSED AND SO FORTH."

QUESTION: "MR. HYLAND, LET ME ASK YOU THIS: SINCE THE SECRETARY IS NOT IN CONTEMPT IN ANY ONE OF THESE THREE COUNTS, INCLUDING THE EXECUTIVE PRIVILEGE THING, AM I CORRECT IN ASSUMING THAT HE RECOMMENDED TO THE PRESIDENT THAT THE PRESIDENT GO AHEAD AND ALLOW THE INFORMATION TO BE TRANSMITTED TO THE COMMITTEE AND WAS OVERRULED BY THE PRESIDENT?"

HYLAND: "NO, THAT IS NOT CORRECT. ON TWO OF THE -- "

QUESTION: "LET'S FORGET ABOUT THE TWO -- "

HYLAND: "WELL, ON TWO THEY DIDN'T CONCERN HIM SO -- "

QUESTION: "ALL RIGHT, THE ONE THAT DID CONCERN HIM. UNLESS THIS IS AN EXECUTIVE PRIVILEGE SITUATION, WHAT DID THE SECRETARY RECOMMEND TO THE PRESIDENT? DID HE BELIEVE THAT EXECUTIVE PRIVILEGE SHOULD BE CITED? OR DID HE

FEEL THAT SOME OF THIS INFORMATION OUGHT TO BE GIVEN TO THE COMMITTEE, WITH THE UNDERSTANDING THAT IT WOULDN'T BE MADE PUBLIC?"

HYLAND: "OBVIOUSLY, I AM NOT GOING TO COMMENT ON WHAT THE SECRETARY OF STATE'S RECOMMENDATION TO THE PRESIDENT WAS."

QUESTION: "WELL, WHAT IS THE SECRETARY'S PROBLEM WITH ALLOWING THE COMMITTEE WHICH IS SUPPOSEDLY CONDUCTING AN INVESTIGATION, TO HAVE THIS INFORMATION?"

HYLAND: "IT IS A MATTER OF PRINCIPLE. NOT A MATTER OF WHAT IS IN THE DOCUMENT ITSELF. THE DOCUMENT ITSELF COULD INCLUDE ALMOST ANYTHING.
UNCLASSIFIED

UNCLASSIFIED

PAGE 22 STATE 271487 TOSEC 200008

"IT'S A QUESTION THAT: ARE THE RECOMMENDATIONS OF PREVIOUS SECRETARIES OF STATE TO THE PRESIDENT GOING TO BE TURNED OVER TO THIS PARTICULAR COMMITTEE? THAT WAS A DECISION FOR THE PRESIDENT TO MAKE, AND HE MADE THE DECISION."

QUESTION: "IS THERE A WAY TO BACK OFF A LITTLE BIT AND GIVE THE COMMITTEE SOME INFORMATION -- DISGUISED, AS HE DID IN THE BOYATT MEMO -- SO THAT NOBODY WILL KNOW WHO RECOMMENDED WHAT TO WHOM?"

HYLAND: "WELL, SINCE IT IS A MATTER NOW OF EXECUTIVE PRIVILEGE, THAT WOULD BE A WHITE HOUSE DECISION."

QUESTION: "THANK YOU VERY MUCH."

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